

## UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

## WAIVER OF RULE 5 &amp; 5.1 HEARINGS

(Complaint/Indictment)

V.

Marlon Antonio Mendez

Defendant

CASE NUMBER: 08 - mj - 70267 PVT

CHARGING DISTRICTS

CASE NUMBER: 08 CR 009 J(01)

I understand that charges are pending in the Northern District of Texas  
 alleging violation of 21 USC 841(a)(1), (b)(1)(A) and that I have been arrested in this district and  
 (Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

## I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- ( ☒ ) identity hearing
- ( ☐ ) preliminary hearing
- ( ☐ ) identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

5/12/08

Date

Marlon Antonio Mendez  
Defendant[Signature]  
Defense CounselFILED  
MAY 12 2008  
CLERK OF COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE